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#5  
MB  
05/29/98

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : LaVallie and Racie

Serial No. : 08/949,904

Examiner : TBD

Filed : October 15, 1997

Group Art Unit : 1801

For : HUMAN SDF-5 PROTEIN AND COMPOSITIONS

May 14, 1998

Hon. Commissioner of  
Patents and Trademarks  
Washington, DC 20231

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MAY 26 1998  
MATRIX CUSTOMER  
SERVICE CENTER

**RESPONSE TO RESTRICTION REQUIREMENT**

Dear Sirs:

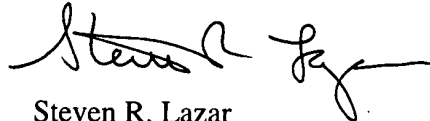
In response to the Restriction Requirement of April 29, 1998, Applicants elect to prosecute the claims of Group I, directed to the DNA molecules, host cells and cultures. This election is made with traverse for the following reasons.

The claims of Groups I, II and III relate to subject matter of identical patent classification (nucleotide sequences, host cells and cultures) and are not distinct for the following additional reasons. The amino acid sequence of Sequence ID No. 2 represents the sequence which is encoded by the DNA sequence of Sequence ID No.1. Accordingly, any search of the subject matter of one of these Groups will necessarily entail a search of the other sequences of the Group. The published literature which is relevant to one of the Groups will also be identical to the literature relevant to the other Group. Further, the DNA sequences of Group III, which further comprise a nucleotide sequence encoding a suitable signal peptide linked in frame to the DNA coding sequences of Group I or Group II, are not distinct. Those skilled in the art would readily know that such nucleotide sequences are commonly associated with the sequences, host cells and cultures of Groups I and II. In addition, there is no substantial reason to require the public to search multiple patent documents in order to determine the patent status of the sequences in question. Accordingly, the claims of Group I, II and III should be examined together.

The claims of Group IV, relating to purified polypeptides, and Groups VI and VII, relating to antibodies to such polypeptides of Group V are not distinct and should be examined together. The skilled artisan, equipped with the peptide sequence of Group IV would readily be able to prepare the antibodies of Groups VI and VII. Once again, there is no substantial reason to require the public to search multiple patent documents to ascertain the patent status of the polypeptide and its antibodies. Accordingly, it is requested that the restriction requirement be modified to insure in a single Group the claims of Groups I, II and III. It is additionally requested that the restriction requirement be modified to include in a single Group the claims of Groups IV, VI and VII. Nevertheless, because election is required, applicants hereby elect to prosecute the claims of Group I.

The examiner has further required election of a single disclosed species within the claims of Group I. This election should be withdrawn. Applicants are entitled to pursue claims to a reasonable number of species in a single claim. Nevertheless because election is required, applicants hereby elect to prosecute claims to species (n), nucleotides 316-1143 of Sequence ID No. 1.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven R. Lazar", with a stylized flourish at the end.

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